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Date: 15 December 2003

To: Examiner Katherine A. Bareford
US Patent and Trademark Office
Tel. No. 703-308-0078
Fax: 703-872-9311

Subject: USSN 09/902,055
Our Ref.: Beiersdorf 730-HCL

From: Howard C. Lee

Comments: Filing of: Notice of Appeal (in duplicate); Fee Transmittal (in duplicate)

If you have any questions or need further information, please contact us.

You should receive 5 pages including this cover sheet.

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PTO/SB/31 (06-03)
Approved for use through 7/31/2003, OMB 0651-0031
U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

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**NOTICE OF APPEAL FROM THE EXAMINER TO THE
BOARD OF PATENT APPEALS AND INTERFERENCES**

Docket Number (Optional)
100718-332/Beiersdorf 730 HCL

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CERTIFICATE OF FACSIMILE TRANSMISSION

I hereby certify that this correspondence is being transmitted via facsimile to the United States Patent and Trademark Office on the 15th day of December, 2003.

Agata Gilecka
Agata Gilecka

Applicant hereby appeals to the Board of Patent Appeals and Interferences from the last decision of the examiner dated **October 28, 2003** finally rejecting claims 1, 3-19.

The fee for this Notice of Appeal is (37 CFR 1.17(b))

\$ **330.00**

Applicant claims small entity status. See

37 CFR 1.26. Therefore, the fee amount shown above is reduced by half, and the resulting fee is : \$.

- A check in the amount of the fee is enclosed.
- Payment by credit card. Form PTO-2038 is attached.
- The Director has already been authorized to charge fees in this application to a Deposit Account. I have enclosed a duplicate copy of this sheet.
- The Director is hereby authorized to charge any fees which may be required, or credit any overpayment, to Deposit Account Number 14-1263. I have enclosed a duplicate copy of this sheet.
- A petition for an extension of time under 37 CFR 1.36(a) (PTO/SB/22) is enclosed.

WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

I am the

- applicant/inventor.
- assignee of record of the entire interest. See 37 CFR 3.71. Statement under 37 CFR 3.73(b) is enclosed.
(Form PTO/SB/96).
- attorney or agent of record.
Registration _____
- attorney or agent under 37 CFR 1.34(a).
Registration number if acting under 37 CFR 1.34(a) 48,104

December 15, 2003

Date

(212) 808-0700

Telephone Number

Howard C. Lee

Signature

Howard C. Lee

Typed or printed name

NOTE: Signatures of all the inventors or assignees of record of the entire interest or their representative(s) are required. Submit multiple forms if more than one signature is required, see below.

Total of _____ forms are submitted.

This collection of information is required by 37 CFR 1.8. The information is used to process or retain a patent by the USPTO which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. This will vary depending upon the needs of the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 7.

PTO/SB/17 (10-03)
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FEE TRANSMITTAL for FY 2004

Effective 10/01/2003. Patent fees are subject to annual revision.

Applicant claims small entity status. See 37 CFR 1.27

TOTAL AMOUNT OF PAYMENT (\$) \$330.00

Complete if Known

Application Number	09/902,055
Filing Date	July 10, 2001
First Named Inventor	Telgenbuscher
Examiner Name	Katherine A. Barford
Art Unit	1762
Attorney Docket No.	Wiersdorf 730/100718-332

METHOD OF PAYMENT (check all that apply)

Check Credit card Money Order Other None
 Deposit Account:

Deposit Account Number: 14-1263

Deposit Account Name: Norris, McLaughlin & Marcus

The Director is authorized to: (check all that apply)
 Charge fee(s) indicated below Credit any overpayments
 Charge any additional fee(s) or any underpayment of fee(s)
 Charge fee(s) indicated below, except for the filing fee to the above-identified deposit account.

FEE CALCULATION

1. BASIC FILING FEE

Large Entity	Small Entity	Fee	Fee	Fee Description	Fee Paid
Code (\$)	Code (\$)	Code (\$)	Code (\$)	Code (\$)	Code (\$)
1001 770	2001 365	Utility filing fee			
1002 340	2002 170	Design filing fee			
1003 530	2003 265	Plant filing fee			
1004 770	2004 385	Reissue filing fee			
1005 160	2005 80	Provisional filing fee			
SUBTOTAL (1) (\$)					

2. EXTRA CLAIM FEES FOR UTILITY AND

Extra Claims		Fee from below	Fee Paid
Total Claims	-20** =	0 X	= 0.00
Independent	-3** =	0 X	= 0.00
Multiple Dependents			

Large Entity	Small Entity	Fee	Fee	Fee Description	Fee Paid
Code (\$)	Code (\$)	Code (\$)	Code (\$)	Code (\$)	Code (\$)
1202 18	2202 9	Claims in excess of 20			
1201 86	2201 43	Independent claims in excess of 3			
1203 290	2203 145	Multiple dependent claim, if not paid			
1204 86	2204 43	** Reissue independent claims over original patent			
1205 18	2205 9	** Reissue claims in excess of 20 and over original patent			
SUBTOTAL (2) (\$)					\$0.00

** or number previously paid, if greater. For Reissues, see above

FEE CALCULATION (continued)

Large Entity	Small Entity	Fee	Fee	Fee Description	Fee Paid
Code (\$)	Code (\$)	Code (\$)	Code (\$)	Code (\$)	Code (\$)
1051 130	2051 2052	Surcharge - late filing fee or oath sheet			
1052 50	2052 1053	Surcharge - late provisional filing fee or cover sheet			
1053 130	130	Non - English specification			
1812 2,620	1812 2,620	For filing a request for ex parte reexamination			
1904 920*	1904 920*	Requesting publication of SIR prior to Examiner action			
1805 1,840*	1805 1,840*	Requesting publication of SIR after Examiner action			
1251 110	2251 55	Extension for reply within first month			
1252 420	2252 210	Extension for reply within second month			
1253 950	2253 475	Extension for reply within third month			
1254 1,480	2254 740	Extension for reply within fourth month			
1255 2,010	2255 1,005	Extension for reply within fifth month			
1401 330	2401 165	Notice of Appeal			330.00
1402 330	2402 165	Filing a brief in support of an appeal			
1403 290	2403 145	Request for oral hearing			
1451 1,510	1451 1,510	Petition to institute a public use proceeding			
1452 110	2452 55	Petition to revive - unallowable			
1461 1,850	2453 665	Petition to revive - unintentional			
1501 1,330	2501 665	Utility issue fee (or reissue)			
1502 480	2502 240	Design issue fee			
1503 640	2603 320	Plant issue fee			
1460 130	1460 130	Petitions to the Commissioner			
1807 50	1807 1607	Processing fee under 37 CFR § 1.17(c)			
1806 180	1806 180	Submission of Information Disclosure Statement (IDS)			
5021 40	8021 40	Reducing search patent assignment per property (times number of properties)			
1809 770	2809 385	Filing a submission after final rejection (37 CFR § 1.129(a))			
1810 770	2810 385	For each additional invention to be examined (37 CFR § 1.129(b))			
1801 770	2801 365	Request for Continued Examination (RCE)			
1802 800	1802 900	Request for expedited examination of a design application			
Other fee (specify)					

*Reduced by Basic Filing Fee Paid

SUBTOTAL (3) (\$) \$330.00

Complete if applicable

Name (print/type):	Howard C. Lee	Registration No. (Attorney/Agent):	45,104	Telephone:	212-808-0700
Signature	Howard C. Lee			Date:	15 December 2003

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This collection of information is required by 37 CFR 1.17 and 1.27. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you have spent to fill out this form should be sent to the General Counsel, Office of the General Counsel, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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